



Iowa Department of Public Safety

Regulatory Plan

Submitted in compliance with Executive Order 9

for the period

August 1, 2003 – July 31, 2004

**Kevin W. Techau, Commissioner
Michael R. Coveyou, Agency Rules Administrator**

August 1, 2003

Regulatory Plan for SFY2004

Iowa Department of Public Safety

Introduction

This plan is intended to implement Governor's Executive Order #9 and describes the Department's expected regulatory actions for the one year period commencing August 1, 2003.

Regulatory Objectives

The Iowa Department of Public Safety and the following rule making authorities:

- Commissioner of Public Safety
- State Fire Marshal
- Building Code Commissioner
- Board of Trustees of the Public Safety Peace Officers Retirement, Accident, and Disability System

subscribe to the following objectives with regard to their rule making responsibilities.

- To provide by rule general statements that implement, interpret or prescribe law or policy or serve an important public need;
- To describe by rule the organization, procedures, and requirements of the Department;
- To describe accurately and clearly requirements and procedures which apply to persons affected by activities of the Department.
- To apply sound economic and policy analysis;
- To use an open, inclusive process for rule making; and
- To provide rules that are plain-spoken, direct, productive and are necessary to carry out the laws of Iowa and federal mandates, where applicable.

In doing so, these rule-making authorities will strive to further the Governor's priorities for ensuring the safety and health of all Iowans and Iowa's communities.

Notes on What Is Included in This Plan and What Is Not

Generally, this regulatory plan includes rule-making activities that are contemplated for potential action during the next year under agency number 661, which is assigned to the Iowa Department of Public Safety. There are chapters excluded, because they are not regulatory in nature, even though rule making may occur in these areas. The chapters under agency number 661 which are excluded from this analysis are the following:

Chapter	Title
661-1	The Department
661-15	Law Enforcement Telecommunications Advisory Committee

One chapter, 581 Iowa Administrative Code, Chapter 24, Peace Officers' Retirement, Accident, and Disability is included in this plan, although it is currently promulgated under the agency number of another state agency. 581 is the agency number for the Iowa Department of Personnel. However, through an interagency agreement in effect since 1986, the Department of Public Safety has administered the retirement system governed by this chapter. As of July 1, 2003, the system is statutorily organized under the control of the Department of Public Safety. During the coming year, 581 Iowa Administrative Code Chapter 24 will be renumbered under the Public Safety administrative rule agency number (661). The Commissioner of Public Safety is chair of the Board of Trustees of the Public Safety Peace Officers' Retirement, Accident, and

Disability System, and staff of the Department of Public Safety handles rule-making activities on behalf of the Board.

The following chapters under agency number 661 are excluded from this analysis because no rule making activities are contemplated for the next year affecting these chapters at this time.

Chapter	Title
661-2	Bail Enforcement, Private Investigation and Private Security Businesses
661-13	Special Railway Agents
661-14	Payment of Small Claims
661-18	Parking for Persons with Disabilities
661-23	Closed Circuit Videotape Surveillance Systems on Excursion Gambling Boats
661-25	Public Records and Fair Information Practices
661-28	Marijuana Eradication Procedures
661-53	Fire Service Training Bureau
661-59	Volunteer Emergency Service Provider Death Benefit Program

How Can You Participate?

You can participate by contacting the Agency Rules Administrator by electronic mail at the address admrule@dps.state.ia.us, or by contacting the person listed in the summary of a regulatory action. You may also participate by commenting on proposed rules that are published in the Iowa Administrative Bulletin. Once a rule has been proposed, the Department will consider your comments and address them before issuing a final rule. To be most effective, comments should contain information and data that support your position, and explain why they should be incorporated in the final rule. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

Regulatory Actions

The following regulatory actions are contemplated or under consideration by the Iowa Department of Public Safety and are scheduled or are likely to occur during the coming year:

Chapter (661 IAC Unless Otherwise Indicated)	Subject	Legal Basis	Status	Contact
3	Sheriff's Uniforms	Iowa Code section 331.657, subsection 3	Rules need updating to reflect current requirements and practice. Notice of Intended Action will be developed in consultation with Iowa State Sheriffs and Deputies Association. No timeframe has been established. Initial discussion with the Association has occurred and further work on these rules is awaiting action by the Association.	Michael R. Coveyou, 515-281-5042 admrule@dps.state.ia.us

Chapter (661 IAC Unless Otherwise Indicated)	Subject	Legal Basis	Status	Contact
4	Division I - Permits	Iowa Code sections 724.1, 724.6, 724.7, 724.9, 724.10, 724.11, 724.13, 724.17, 724.19, 724.23	Research on need for updating of current language will be undertaken during this year. No timeframe has been established for completion of this research or filing of any changes to current rules identified.	Sam Knowles 515-281-7663 wpinfo@dps.state.ia.us
4	Division II – Disposition of Seized and Forfeited Weapons	Iowa Code sections 809A.17, subsection 5, paragraph b	Current language covers only firearms and ammunition and needs to be extended to all weapons. Research is being undertaken to identify appropriate language. No timeframe has been established for filing a Notice of Intended Action.	Sam Knowles 515-281-7663 wpinfo@dps.state.ia.us
5	Fire Safety Standards/ Exits	Iowa Code section 100.1, subsection 6 and section 100.35	A Notice of Intended Action to replace the current general exit provisions with Chapter 7 of the 2000 edition of the Life Safety Code is pending. Adoption and filing of these changes is anticipated by November 1, 2003.	Jeff Quigle 515-281-5821 fminfo@dps.state.ia.us
5	Fire Safety Standards/ Health Care Facilities	Iowa Code section 100.1, subsection 6 and section 100.35	Emergency rules were adopted effective in March, 2003 to comply with changes in federal requirements. A Notice of Intended Action containing these changes was filed in May, 2003. Final adoption is expected to be completed before January 1, 2004.	Jeff Quigle 515-281-5821 fminfo@dps.state.ia.us
5	Fire Safety Standards/ Adult Day Services Facilities	2003 Iowa Acts, House File 672	New rules are needed to implement fire safety requirements for adult day services programs, mandated by new Code language contained in 2003 Iowa Acts, House File 672. A Notice of Intended Action is being developed and is expected to be filed by October 10, 2003.	Jeff Quigle 515-281-5821 fminfo@dps.state.ia.us
5	Fire Safety Standards/ Assisted Living Facilities	Iowa Code section 231C.4	Rules establishing fire safety requirements for assisted living facilities will be updated. A Notice of Intended Action is being developed and is expected to be filed by December, 2003.	Jeff Quigle 515-281-5821 fminfo@dps.state.ia.us
5	Fire Safety Standards/ Jails and Correctional Facilities	Iowa Code section 356.36 and 201 IAC 50.9(356,356A)	New rules establishing specific fire/life safety requirements for jails and correctional facilities are being developed. These facilities are currently subject to general life safety requirements in the rules of the State Fire Marshal. A Notice of Intended Action is being developed and is expected to be filed by January 1, 2004.	Jeff Quigle 515-281-5821 fminfo@dps.state.ia.us

Chapter (661 IAC Unless Otherwise Indicated)	Subject	Legal Basis	Status	Contact
5 (new chapter or chapters)	Commercial Explosive Licensing (also need other rules on explosives)	Iowa Code section 101A.5	National standard regarding storage of explosives, adopted by reference, is outdated. Research regarding adoption of current national standard is ongoing, along with discussion with the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives. Filing of a Notice of Intended Action updating the storage requirements, along with provisions regarding licensing and disposition of explosives, is anticipated within the next year.	Jim Kenkel 515-281-5821 fminfo@dps.state.ia.us
5	Other outdated NFPA standards	Iowa Code section 100.1, subsection 5, and section 100.35.	Numerous national standards are adopted by reference in the Fire Marshal rules. Research on the status of these references is ongoing. A Notice of Intended Action to update these references as appropriate will be developed, although no time frame has been established.	Jeff Quigle 515-281-5821 fminfo@dps.state.ia.us
6	Impounded Vehicles	<i>Florida v. Wells</i> , 495 U. S. 1 (1990)	Revisions are needed to clarify applicability to all impounded vehicles. A Notice of Intended Action is being developed, and is expected to be filed by January 1, 2004.	Captain Donna Bacus 515-281-5128
7	Alcohol Testing Devices	Iowa Code section 321J.3, subsection 2; section 321J.4, subsection 2; and section 321J.4, 8, paragraphs a and b;	Emergency amendments were adopted in May, 2003 regarding procedures for calibration and use of preliminary and evidentiary breath testing devices. These changes and some additional revisions of these rules, including requirements related to ignition interlock devices are being researched and will be undertaken in the near future. A Notice of Intended Action is expected to be filed by December 1, 2003.	Darwin Chapman 515-281-3666
8	Division I – IOWA System	Iowa Code sections 80.9 and 692.14 28 CFR 20	General update is needed and will be researched. Relationship between state and federal provision regarding transmission of information that reveals HIV status is problematic. No time frame has yet been established.	Sam Knowles 515-281-7663 asdinfo@dps.state.ia.us
8	Division II – Criminal Intelligence Information	Iowa Code section 692.10	Emergency rules were adopted in May, 2003, to comply with 2003 Iowa Acts, House File 216. A Notice of Intended Action containing the changes adopted emergency and additional amendments is being prepared and is expected to be filed by December 1, 2003..	Acting SAC Jim Saunders 515-242-6124 intinfo@dps.state.ia.us

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8	Division III – Iowa Sex Offender Registry	Iowa Code section 692A.10, subsection 4	No rulemaking is contemplated unless either there are changes to either federal regulations regarding sex offender registries or Iowa Code Chapter 692A. Changes to the statute are proposed and, if adopted, would require extensive changes in the rules.	A/D Steve Conlon 515-281-5138
9	Complaint Against an Employee	Iowa Code section 321.4	Editorial changes needed to update references to “Internal Affairs Bureau” to read “Professional Standards Bureau.” No timeframe has been established.	Lt. Shane Antle 515-281-5524
10	Practice and Procedure Before the Department of Public Safety	Iowa Code section 17A.3	Editorial changes to update current references to units of the Department.	Michael R. Coveyou 515-281-5524 admrule@dps.state.ia.us
11	Criminal History/ DCI Identification Section	Iowa Code section 692.2, subsection 6	Some editing of rules regarding access and fees may be needed. No timeframe established.	A/D Steve Conlon 515-281-5138
12	Criminalistics Laboratory	Iowa Code section 691.3	Some revisions identified, especially clarifying that listing of laboratory capabilities is solely informational and in no way limits the authority of the laboratory to adopt new procedures and technologies. Updating of requirements for submitting evidence may also be needed. No timeframe established.	Darwin Chapman 515-281-3666
16	Building Code/General	Iowa Code section 103A.7	Building Code Advisory Council has endorsed the concept of adoption of a “unified” building code. No timeframe established.	Ljerka Vasiljevic 515-281-5821
16	Building Code/Updates	Iowa Code section 103A.7	Standards and codes adopted by reference are outdated. Updating is needed, unless a “unified” code is adopted in the meantime. No timeframe has been established.	Ljerka Vasiljevic 515-281-5821
19	Missing Persons Information Clearinghouse	Iowa Code sections 321.4 and 694.10	Rules concerning the Amber Alert Program and its operation will be added to this chapter. Outdated references in the existing rules will be corrected. A Notice of Intended Action is expected to be filed no later than December 1, 2003.	Wendie Nerem 515-281-7958 mpicinfo@dps.state.ia.us
20	Governor’s Traffic Safety Bureau	Executive Order 23	Minor editorial changes only. No timeframe has been established.	Carson Whitlow 515-281-3907 gtsbinfo@dps.state.ia.us
28	Marijuana Eradication		Notification of property owners will be made discretionary, rather than mandatory. No timeframe has been established.	SAC Sean McCullough 515-281-9054

Chapter (661 IAC Unless Otherwise Indicated)	Subject	Legal Basis	Status	Contact
54	Fire Fighter Certification	Iowa Code section 100B.10	Updating of national standards, adopted by reference. Notice of Intended Action anticipated to be filed by January 1, 2004.. Also, consideration of minimum training standards for fire fighters, although no time frame has been established.	Randy Novak 1-888-469-2374 fstbinfo@dps.state.ia.us
55	Volunteer Fire Fighter Training and Equipment Fund	Iowa Code section 321.4; 2003 Iowa Acts, Senate File 439, section 14, subsection 8; 2003 Iowa Acts, Senate File 452, section 11, subsection 2 and 3.	Rules will be added regarding procedures and requirements for allocation of grant funds for regional training facilities and for administration of a revolving loan fund for equipment purchases by local fire departments. A Notice of Intended Action is being developed and is expected to be filed during September or October, 2003, and the rules will likely be adopted emergency after notice to be effective during November or December, 2003.	James F. Kenkel State Fire Marshal 515-281-5821 fminfo@dps.state.ia.us
581-24 (will be renumbered under agency number 661)	Peace Officers' Retirement, Accident, and Disability System	Iowa Code section 97A.5, subsection 4	Renumber chapter to reflect that this is now a DPS program by statute, rather than an IDOP program being run by DPS under a 28E agreement. Add rule concerning temporary incapacity, as required by 2003 Iowa Acts, House File 342. Add rules regarding procedures of the Board of Trustees concerning contested cases and waivers of rules. Additional issues are being researched. A Notice of Intended Action is being developed and is expected to be filed by January 1, 2004.	Sam Knowles 515-281-7663 asinfo@dps.state.ia.us

Chapter (661 IAC Unless Otherwise Indicated)	Subject	Legal Basis	Status	Contact
NEW	Uniform Crime Reporting	Iowa Code sections 321.4 and 692.15	No timeframe has been established.	Sam Knowles 515-281-7663 ibrinfo@dps.state.ia.us
NEW	Seized Property Procedures	Iowa Code section 17A.3	No timeframe has been established.	Sam Knowles 515-281-7663 asdinfo@dps.state.ia.us
NEW	Consent for Sales of Goods and Services by Officials of the Department of Public Safety	Iowa Code section 68B.4	No timeframe has been established.	Michael Coveyou 515-281-5042 admrule@dps.state.ia.us
NEW	Requirements and Procedures for Access to and Use of State Police Radio System	Iowa Code section 17A.3, 321.4, 693.1 and 693.7	No timeframe has been established.	Capt. Todd Misel 515-281-5128 misel@dps.state.ia.us
NEW	Clandestine Methamphetamine Laboratories	Iowa Code section 124C.7	Research on need for rules to implement Iowa Code Chapter 124C will be undertaken. No timeframe has been established.	Director Ken Carter 515-281-9054 dneinfo@dps.state.ia.us